

January 23, 2009

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

**SUBJECT:** Department of Development and Environmental Services File No. **L07P0017**  
Proposed Ordinance No. **2008-0632**

**CHRISTY'S CROSSING**  
Preliminary Plat Application

**Location:** 37712—28th Avenue South, Federal Way

**Applicant:** Christy Family, LLC  
*represented by* **Eric LaBrie**  
ESM Consulting Engineers  
33915 – 1st Way South, Ste. 200  
Federal Way, Washington 98003

**King County:** Department of Development and Environmental Services (DDES)  
*represented by* **Kimberly Claussen**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-7167  
Facsimile: (206) 296-7051

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions (modified)

**EXAMINER PROCEEDINGS:**

Hearing Opened:	January 20, 2009
Hearing Closed:	January 20, 2009

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUES AND TOPICS ADDRESSED:**

Traffic impacts; Road Standards; Recreation area; Transit stop improvements

**SUMMARY:**

A subdivision of 111 lots in the urban area is approved, subject to conditions.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****1. General Information:**

Owner/Developer:	Arlene Christy Christy Family, LLC P.O. Box 330 Milton, WA 98354
Engineer:	ESM Consulting Engineers 33915 1 <sup>st</sup> Way South, Suite #200 Federal Way, WA 98003 (253) 838-6113
STR:	SE 33-21-4
Location:	37712 28 <sup>th</sup> Avenue South, Postal City Federal Way, WA 98003
Zoning:	R-6
Acreage:	28.75 acres
Number of Lots:	111
Density:	Approximately 3.86 units per acre
Lot Size:	Ranges from approximately 3,600 to 7,973 square feet with the exception of Lot 92 which measures 13,711 square feet.
Proposed Use:	Single Family Residences
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	King County Fire Protection District No. 39
School District:	Fife School District #417

Date Application Filed: September 13, 2007

Date Determined Complete: October 11, 2007

Associated Applications: Road Variance, King County File No.L07V009

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's (LUSD) preliminary report to the King County Hearing Examiner for the January 20, 2009, public hearing are found to be correct and are incorporated herein by this reference. The LUSD staff recommends approval of the application, subject to conditions.

3. This proposal is governed by the 2004 King County Comprehensive Plan, the proposed subdivision is not in conflict with the policies of the Comprehensive Plan.
4. Traffic to and from the proposed subdivision will have significant environmental impact upon the intersection of State Route 161 and State Route 18 (also known as Enchanted Parkway and South 348th Street, respectively). This intersection is located within the City of Federal Way. The applicant and the City of Federal Way have agreed upon mitigation for this impact, and compliance with the mitigation requirements will be required as a condition of final plat approval.
5. Traffic exiting the proposed development onto 28th Avenue South during the am peak hour is expected to split 55% northbound on 28th Avenue south and 45% southbound on 28th Avenue South. The primary road providing access to and from 28th Avenue South for this development is Road A, proposed to be a sub-collector. Road A will initially be constructed with a single westbound lane entering 28th Avenue South. Approximately 250 feet east of 28th Avenue South, Road B provides an alternative route from Road A to 28th Avenue South. This alternative route will serve the purpose of a right turn lane from the development to 28th Avenue South. The additional traffic carried on Road B will be within the capacity of a sub-access road.
6. The King County Road Engineer has approved a variance from the 2007 King County Road Standards, that allows for the 285 foot intersection spacing on 28th Avenue South between Road A and Road B. The road variance also permits the temporary cul-de-sac of approximately 2,000 feet with the condition that an additional turn around be constructed in approximately the location where Road A and Road C intersect near the Southeast corner of the proposed development.
7. The applicant and the Land Use Services Division have concurred that the future residents of the proposed development will be better served by the multiple recreation areas proposed as Tracts D, G and I. Relocation of Tract D to the vicinity of the west boundary, at or near the intersection of Road A and 28th Avenue South, where it would continue to serve residents of the Road D cul-de-sac, would be a minor revision to the proposed preliminary plat, if approved by DDES.
8. A Metro Transit route serves 28th Avenue South, with a present stop near the location of proposed Road A. Metro Transit has not been contacted to determine if any transit stop improvements are needed to serve the proposed development.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare, and for open spaces, drainage ways, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

3. The conditions for final plat approval recommended below are in the public interest and are reasonable and proportionate requirements necessary to mitigate the impacts of the development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed revised preliminary plat submitted by the Applicant on April 3, 2008, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. King County DDES should review the final traffic impact mitigation agreement between the applicant and the City of Federal Way, and determine that the applicant has complied with the terms of the agreement prior to recording the final plat.
6. The access to and from the proposed development, as shown on the April 3, 2008 revised preliminary plat, subject to the conditions of the King County Road Variance granted by the Department of Transportation, provides adequate and safe access for future residents of the development. The modifications shown on Exh. 19 are minor modifications, which DDES and the Department of Transportation have the authority to administratively approve if they determine it is in the public interest to do so.
7. DDES or the applicant should contact King County Metro to determine if transit stop improvements are necessary to safely serve the future residents of the proposed development. If King County Metro requests such improvements, they should be addressed in the final engineering plans submitted by the developer for review by DDES.
8. The provision of three separate recreation areas within the proposed development, if determined by the Director to better serve future residents of the proposed development than a single recreation area, will be consistent with the requirements of KCC 21A.14.180.C.

#### RECOMMENDATION:

Approve the proposed preliminary plat of Christy's Crossing, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. Any/all plat boundary discrepancy shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.
4. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

The modifications proposed by the applicant in exh. 19 may be considered by DDES as minor revisions to the plat.

5. (This condition was deleted at the request of DDES, as redundant with condition no. 3.)
6. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 15753, as amended (2007 KCRDCS).
7. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

Any future residences constructed within this subdivision are required to be sprinklered (NFPA 13D) unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. Vehicles parked on roadway surface are an obstruction.

To qualify for removal of the sprinkler requirement, an approved alternative roadway accessing the subdivision has to be provided, and the driving surfaces of the internal roads within the subdivision must have minimum curb-to-curb widths of 36 feet. Access tracts must have a minimum unobstructed driving surface width of 20 feet, requiring them to be marked/signed as fire lanes per requirements outlined in Title 17 of the King County Code.

8. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
9. The drainage facilities shall meet the requirements of the 2005 King County Surface Water

Design Manual (KCSWDM). The drainage design shall meet at a minimum the Conservation Flow Control and the Basic Water Quality Treatment requirements in the KCSWDM.

10. A new bypass culvert system is required to convey the offsite upstream drainage swale entering the site along the east boundary, in the vicinity of Lot 74. This new bypass drainline shall be connected to the existing drainage system along the north boundary of Enchanted Meadows; unless otherwise approved by DDES. The design of the bypass culvert shall be shown on the engineering plans prior to engineering plan approval.
11. The existing culvert between the Tract B and Tract F Critical Areas shall be reconstructed and relocated with this development. The improvement shall be shown on the engineering plans prior to engineering plan approval.
12. To implement the required Best Management Practices (BMP's) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.
13. The following road improvements are required to be constructed according to the 2007 King County Road Design and Construction Standards (KCRDCS):

- a. Road "A" shall be constructed to the urban subcollector standard east of the Road "B" intersection.

From 28<sup>th</sup> Avenue South to Road "B", Road "A" shall be designed to the urban neighborhood collector standard, and constructed with an 18-foot half-street cross-section on the south side of the roadway crown/centerline (from 28<sup>th</sup> Avenue South to Road "D") with a transition from an 18-foot half-street to a 16-foot half street between Road "B" and Road "D".

Across the frontage of Tax Parcel 3321049049 (the exception parcel addressed at 37706 -- 28<sup>th</sup> Avenue South), the improvements to Road "A" shall include a minimum 12-foot wide westbound lane on the north side of the roadway crown. An interim 4-foot wide paved shoulder is also required; the remainder of the neighborhood collector improvements: paving and urban improvements, to be constructed upon future subdivision of the Tax Parcel 3321049049.

A Type III barricade shall be installed at the easterly temporary terminus of Road A. Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the road is temporarily closed and will be extended with future development. The sign shall provide the following message *"(Street name) is temporarily barricaded and is required to be extended upon future*

*development. Please contact King County DOT Traffic Impacts Unit at 206-296-6596 for information."*

- b. Road C shall be improved to the urban subcollector street standard.

A Type III barricade shall be installed at the northerly temporary terminus of Road "C". Signage shall be manufactured (aluminum sign blank) and installed (using tamper-resistant hardware) on the barricade that identifies that the road way is temporarily closed and will be extended with future development. The sign shall provide the following message *"(Street name) is temporarily barricaded and is required to be extended upon future development. Please contact King County DOT Traffic Impacts Unit at 206-296-6596 for information."*

- c. Roads B and E shall be improved to the urban subaccess street standard. Across the frontage of Tax Parcel 3321049049, the Road B concrete sidewalk is not required. An interim 4-foot wide paved walkway is required. The concrete sidewalk is to be constructed with future development of Tax Parcel 3321049049.
- d. Road D shall be improved to the minor access street standard.
- e. FRONTAGE: The 28<sup>th</sup> Ave S frontage shall be widened (on the east side) with new curb/gutter and sidewalk in general conformance with the conceptual frontage improvement plan received April 3<sup>rd</sup>, 2008 (Titled Road Variance). Minor modifications to this plan are acceptable, if approved by DDES.

12 feet of additional R/W along the frontage shall be dedicated for this improvement. There shall be no direct access to lots abutting 28th Avenue South. A note to this effect shall be placed on the final plat map.

- f. Any proposed joint use driveways or private access tracts shall be improved per Section 3.01 and 2.09 of the KCRDCS. These Tracts shall be owned and maintained by the Lot owners served.

Type III barricades shall be installed at any temporary roadway termini created in interim development sub-phases within the proposed project. Signage shall be manufactured (aluminum sign blank) and installed using tamper-resistant hardware) on the barricade that identifies that the roadway is temporarily closed and will be extended with future development. The sign shall provide the following message *"This roadway is temporarily barricaded and is required to be extended upon future development within this subdivision. Please contact King County DOT Traffic Impacts Unit at 206-296-6596 for information."*

- g. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRS.
  - h. A Road variance L07V0091 is approved for this site, all conditions of approval for this variance shall be met prior to engineering plans.
14. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.

15. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
16. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
17. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
19. The proposed subdivision shall comply with the Critical Areas code as outlined in KCC 21A.24. Permanent survey markings and signs, as specified in KCC 21A.24.160, shall also be addressed prior to final approval. Temporary marking of critical areas and their buffers (e.g. with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are complete.
20. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant:
  - a. Wetland A/B is a Category II wetland and shall have a 100-foot buffer as measured from the wetland edge. This buffer maybe reduced to 75 feet as shown on the site plan dated April 3, 2008.
  - b. Wetlands C and D are Category III wetlands and shall have a 75-foot buffer as measured from the wetland edge. These buffers maybe reduced to 50 feet as shown on the site plan dated April 3, 2008.



- c. Wetland E is a Category IV wetland and shall have a 50-foot buffer as measured from the wetland edge. This wetland and buffer maybe filled/impacted as proposed on plan set dated April 3, 2008.
- d. A final mitigation plan, for the filling of wetland E, shall be submitted during engineering review. Per KCC 21A.24.335 wetland E maybe alter only if its functions are relocated into a new wetland on-site.
- e. The on-site unnamed stream (aquatic area) is both a Type F and Type N. The lower portion of the stream is Type F and shall require a 115-foot buffer as shown on the site plans. The upper portion of the stream is Type N and shall require a 65-foot buffer as shown on the plans.
- f. All wetlands, streams (aquatic areas) and their buffers shall be placed in a Critical Areas Tract (CAT) as shown on the preliminary plat map dated April 3, 2008 for long term protection.
- g. A 15' building set back line is required from the edge of CAT's and shall be shown on all affected lots.
- h. Prior to construction activities the CAT boundaries shall be clearly marked with both bright orange construction and erosion control fencing. The fencing shall remain in place until all construction activities are complete.
- i. Prior to plat recording the applicant shall delineate the boundary between the adjoining property and CAT's using iron or concrete markers as established by current survey standards. The applicant shall also identify the CAT boundary with permanent signs.
- j. Engineering plans shall be routed to the Critical Areas Section for review and approval of the above conditions.
- k. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL AREAS  
AND BUFFERS**

Dedication of a critical area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King

County prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

21. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 2007 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 28<sup>th</sup> Avenue South or Enchanted parkway South is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
22. To implement K.C.C. 16.82.156 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 16.82.156. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD.

Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 16.82.156. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 16.82.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C.16.82 (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

23. The following has been established by SEPA as a necessary requirement to mitigate the adverse environmental impact of this development. The applicant shall demonstrate compliance with this prior to final approval:

The proposed subdivision will have a significant adverse impact, as defined at KCC 14.80.030A, at State Route 18 (S 348th Street) and State Route 161 (Enchanted Parkway S), located inside the City of Federal Way.

The City identified mitigation of the proposed project's impacts at the intersection. The Applicant, as requested by the Reviewing Agency, has entered into a Settlement Agreement with the City of Federal Way. This Settlement Agreement has been approved by the Federal Way City Council on October 21, 2008. (<http://www.cityoffederalway.com/weblink/docview.aspx?id=312507> )

Prior to final recording, the Applicant shall provide documentation to DDES that the city-approved mitigation has been provided to the City of Federal Way.

24. The applicant shall contact King County Metro to determine if transit stop improvements are necessary on 28th Avenue South to safely serve residents of the proposed development. Any such improvements requested by Metro shall be addressed in the final engineering plans submitted by the applicant and reviewed by DDES.

ORDERED this 23rd day of January, 2009.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before February 6, 2009***. If a notice of appeal is filed, the original and six copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before February 17, 2009***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the council.

MINUTES OF THE JANUARY 20, 2009 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L07P0017.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen, Kristen Langley and Bruce Whittaker, representing the Department and Eric LaBrie, representing the Applicant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services (DDES) file no. L07P0017
Exhibit No. 2	DDES Preliminary Report, dated January 20, 2009
Exhibit No. 3	Application for Land Use Permits received September 13, 2007
Exhibit No. 4	State Environmental Policy Act (SEPA) checklist received September 13, 2007
Exhibit No. 5	SEPA Determination of Non-Significance issued November 14, 2008
Exhibit No. 6	Affidavit of Posting indicating a posting date of October 24, 2007; received by DDES on October 29, 2007
Exhibit No. 7	Preliminary plat map received April 3, 2008 (Revision)
Exhibit No. 8	Assessor's maps NE/SE 33-21-04; NW/SW 34-21-04
Exhibit No. 9	Level 1 Drainage Analysis by ESM dated September 2007
Exhibit No. 10	Drainage Study by ESM dated March 2008 (Revision)
Exhibit No. 11	Wetland & Stream Assessment by Chad Armour, LLC received September 13, 2007
Exhibit No. 12	Traffic Study by TSI dated August 2007
Exhibit No. 13	Walking Conditions received September 13, 2007
Exhibit No. 14	Geotechnical report by Geo Resources dated March 8, 2007
Exhibit No. 15	City of Milton letter dated November 29, 2007
Exhibit No. 16	Neighborhood Circulation Plan by ESM received April 3, 2008
Exhibit No. 17	Conceptual grading & drainage plan by ESM received April 3, 2008
Exhibit No. 18	Revised Traffic Impact Analysis by TSI dated March 2008
Exhibit No. 19	Revised preliminary plat map for Roads A & C